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UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) POSITION OF DEFENDANT WITH
vs.) RESPECT TO SENTENCING FACTORS
Defendant.)
MICHAEL CHASE MONTGOMERY,) Case No. 2:15-CR-00076-TS
)

COMES NOW the Defendant, by and through his attorney, Ryan D. Stout, pursuant to the District of Utah Criminal Rule 32-1(b), declares that he has no objection to the calculation of the advisory guideline range as spelled out in the Presentence Report. However, Defendant does object to paragraphs 9 and 10 under the "Offense Conduct." Specifically, Defendant objects to the language "During the foot pursuit" at the beginning of paragraph 9 and requests that the paragraph should instead begin "As part of the investigation, an officer walked down a dark alley...."

Additionally, Defendant objects to any references to the Defendant having pointed a firearm at any officer. Defendant has accepted full responsibility for being in possession of a firearm, however, Defendant is adamant that he never pointed a firearm at any police officer. Defendant

respectfully requests that such language be stricken from the PSR.

Defendant does not object to the calculation as determined in the PSR, including the victim related adjustment found in paragraph 20, but does respectfully request that any references to him pointing a firearm at an officer be removed from the PSR.

DATED this 31st day of December, 2015.

/s/Ryan D. Stout
Ryan D. Stout
Attorney for Defendant